

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN DOES 1 THROUGH 7,

Judgment Creditors,

v.

THE TALIBAN, AL-QAEDA, and THE
HAQQANI NETWORK,

Judgment Debtors,

v.

THE BANK OF NEW YORK MELLON,

Garnishee

Case Action No. 6:22-cv-00990-DNH-TWD

**DECLARATION OF
DENNIS H. TRACEY, III**

DENNIS H. TRACEY, III, subject to the penalties provided by 18 U.S.C. § 1746, does hereby declare as follows:

1. I am a member of the New York Bar, a Partner with the law firm Hogan Lovells US LLP, and counsel for movant-intervenor The Deposit Guarantee Fund (“DGF”), as Liquidator of PJSC “Joint Stock Commercial Industrial and Investment Bank” (a/k/a Prominvestbank) in the above-entitled action. My application for admission *pro hac vice* is being filed simultaneously with DGF’s Order to Show Cause and supporting papers. I am familiar with all of the facts and circumstances set forth herein.

2. I submit this declaration in support of DGF’s request for the issuance of an Order to Show Cause on its motion (1) to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure, in order to seek the vacatur of the Writ of Execution that was entered *ex parte* on November 2, 2022 (Doc. No. 17, the “Writ of Execution”), and (2) to vacate the Writ of Execution.

3. The request for an Order to Show Cause is being made in order to bring this matter to a hearing on an expedited basis.

4. DGF did not receive notice of Judgment Creditors' motion for a writ of execution until November 15, 2022 – after the writ was granted on an *ex parte* basis – when it received an email from Bank of New York Mellon attaching copies of the writ and the *ex parte* application. DGF retained Hogan Lovells in connection with this proceeding on December 21, 2022. On December 22, 2022, I sent a letter to counsel for Judgment Creditors and Bank of New York Mellon providing notice that Hogan Lovells was retained to represent DGF in this action, and that DGF intended to move by order to show cause to intervene and vacate the Writ of Execution by December 30, 2022. A true and correct copy of the aforementioned letter is attached hereto as Exhibit A.

5. I declare under penalty of perjury that the foregoing is true and correct.
Executed in New York, New York on December 30, 2022.



Dennis H. Tracey, III